

## DEPARTMENT OF ENVIRONMENTAL QUALITY

BOBBY JINDAL GOVERNOR

PEGGY M. HATCH SECRETARY

For Immediate Release

Sept. 12, 2014

## Louisiana Issues Initial Comments to EPA, Points to Bad Data and Recommends Scrapping New Emission Rule

**Contact**: Greg Langley

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**BATON ROUGE** – Today, Secretary Peggy Hatch issued the following initial comments with the accompanying letter to the EPA, highlighting data inaccuracies in the EPA's new emission rule as well as the damaging effects the rule would have on Louisiana's economy:

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Sept. 12, 2014

U.S. Environmental Protection Agency EPA Docket Center (EPA/DC) Mail code: 28221T 1200 Pennsylvania Avenue, NW Washington, DC 20460

Attention: **Docket ID No. EPA-HQ-OAR-2013-0602** 

RE: Proposed 40 CFR 60 Subpart UUUU – Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (79 FR 34830)

Dear Sir or Madam:

Attached please find the Louisiana Department of Environmental Quality's (LDEQ's) **initial** comments on the referenced rulemaking, published in the *Federal Register* on June 18, 2014.

As an initial matter, LDEQ opposes EPA's proposed rule because it unequivocally exceeds the authority provided to EPA by Section 111(d) of the Clean Air Act, and risks undermining our state's economic development while providing questionable and unsubstantiated environmental benefit. This submittal is solely to inform EPA of errors and omissions in the data used to calculate Louisiana's state goal.

The proposed rule sets Louisiana's final goal at 883 pounds of CO<sub>2</sub> per net megawatt hour (lb CO<sub>2</sub>/MWh) and specifies the state's "alternate goal" as 1025 lb CO<sub>2</sub>/MWh. After accounting for the discrepancies identified herein, Louisiana's final goal should be 1078 lb CO<sub>2</sub>/MWh, with an alternate goal of 1239 lb CO<sub>2</sub>/MWh. While we believe EPA's use of this incorrect data calls into question the rule in its entirety and warrants its abandonment, at the very least EPA should revise Louisiana's goals. However, even if these numbers are revised by EPA – the results would still cripple our state's economy.

In our state, we work diligently to balance the needs of our citizens with those of the environment, and the EPA's plan will prevent us from doing that. This unprecedented rule essentially tells Louisiana the type of electricity we have to use. This is gravely concerning, and LDEQ intends to provide additional comments that detail compliance issues, question EPA's legal authority, and to identify other major concerns.

If you have any questions concerning this submittal, please contact me at (225) 219-3450 or via e-mail at peggy.hatch@la.gov.

Sincerely,

Peggy M. Hatch Secretary